

REMARKS CONCERNING THE AMENDMENTS

No amendments have been made after final rejection.

SUMMARY OF THE OFFICE ACTION

- 1) Claims 1-5, 7-24 and 26-29 have been rejected as lacking novelty with respect to Miyamoto et al. (US Patent No. 6,607,443 B1).
- 2) Claims 25 and 30-40 have been rejected as being obvious over Miyamoto et al. (as applied above) when further considered with Matsumoto et al. (US Patent 5,497,461).

RESPONSE TO THE OFFICE ACTION

- 1) Claims 1-5, 7-24 and 26-29 have been rejected as lacking novelty with respect to Miyamoto et al. (US Patent No. 6,607,443 B1).
- 2) Claims 25 and 30-40 have been rejected as failing to display inventive height over Miyamoto et al. (as applied above) when further considered with Matsumoto et al. (US Patent 5,497,461).

Both of these rejections based on Miyamoto et al. will be addressed at the same time, below.

The underlying issue in this rejection is that Applicants assert that the claims require a processing board capable of executing code which in its broadest recited context in Claim 1 is present as:

"...at least one player position having at least one local processor dedicated to the at least one player position that is capable of executing code..."

There is no such system in Miyamoto et al. Miyamoto has multiple player positions, each with essentially switches, and signal creators, and each of these separate, unintelligent, non-processing element is connected to a single motherboard (6 in Figure 1 and as described at Column 4, lines 7-26). It is absolutely critical to an appreciation of the disclosure of Miyamoto et al. to see from this disclosure and the figure that every player input, which is merely a signal treated by the player and not processed data, is fed to a single processor, the motherboard 6, in the Miyamoto construction. That construction does not anticipate the claimed subject matter. A communal processor (the motherboard 6 of Miyamoto) is not **dedicated to the at least one player position**. It is shared amongst multiple positions. That is the broadest recitation by the claims of this novel feature and it is not met by the disclosure of Miyamoto.

Claim 22 is even more explicit in asserting a requirement that:

"...a plurality of player stations, each player station having its own local processor that executes code."

Applicants agree that the communal motherboard of Miyamoto executes programs. However, that communal processor, which is the only processor shown by Miyamoto in direct communication by

player activities, cannot anticipate this limitation that each player station has its **own local processor** that executes code. That limitation is not anticipated by a single communal processor.

Contrary to the Response to Arguments on pages 10-11 of the Office Action, Applicants have never argued that Miyamoto fails to show any processor that executes code. Rather, Applicants have consistently argued that Miyamoto does not show a processing board dedicated to a single player position, and each of the multiple player positions having its **own local processor** that executes code.

Applicants have further pointed out that the local signaling elements (e.g., speakerphone) provided at each player position is not a processing board, and all of the non-processing signaling capability of each player is connected to a communal processing board (motherboard 6). Every argument presented in the Response to Arguments section asserts or implies that the "terminals" at each player position is a processing board capable of executing code. That is error. Miyamoto shows electrical signal generating elements that send the signals to a communal motherboard 6 where the electrical signals are processed.

As the Response and the underlying rejection fail to specifically identify local processing boards dedicated to individual player positions, the rejection under 35 USC 102(b) must fail. As Matsumoto et al. (US Patent 5,497,461) has not been cited to show and does not show local processing boards dedicated to individual player positions, the rejection under 35 USC 103(a) must also fail.

RESTATEMENT OF ARGUMENTS MADE IN LAST RESPONSE

The Examiner points to column 2, lines 41-64; and column 14, lines 4-49 of Miyamoto et al. for a teaching of an individual processing board (intelligence) at each player position. The specific disclosure states:

"The game device which pertains to the present invention a [*sic*] provides a game device which executes a prescribed game program corresponding to information entered by players, comprising: means for recognizing voices and/or actions made by the players; means for determining conditions of recognized voices and/or actions; and processor for performing response processing corresponding to the conditions of recognized voices and/or actions." (Column 2, lines 10-14); and

"FIG. 21(B) depicts an example in which one additional sensor is placed between sensors 401b and 401c, and FIG. 21(C) depicts an example in which one additional sensor is placed adjacent to sensor 401a. The details of sensor operation will be described in detail shortly, after presenting a brief description of the function of the additional sensors shown in FIG. 21(B) and FIG. 21(C). The additional sensor shown in FIG. 21(B) is used for accurate detection of hand movement in the sideways direction (STAND command). A STAND command decision is made where an object is sensed in the order: sensor 401b.fwdarw.401.fwdarw.401c (or the reverse). Conversely, a STAND command decision is not made where he [*sic*, the] object is sensed in the order: sensor 401a.fwdarw.401.fwdarw.401b (or 401c) (a HIT command, decision, described shortly, is made, or example). The additional sensor in FIG. 21(C) is used for accurate detection of movement of the hand placing it in a prescribed location (HIT command). When an object is sensed by either sensor 401a or 401, and the sense interval continues for a relatively long period of time, a HIT command is posited. The additional sensor ensures reliable sensing even if hand position is out of place to a certain extent." (Column 14, lines 4-49)

These teachings do not provide even a suggestion of the presence of a processing board executing code dedicated at each player position. The functions provided by the sensors in the Miyamoto disclosure are little more than 'button' functions, such that when stimulated, an electrical signal is sent. One signal (disclosed in the column 14 disclosure) is essentially only that light is being blocked. This is a direct sensitivity reading (hence a sensor is used, not a processor executing code) and does not imply, suggest, teach or instruct the use of a dedicated processing board executing code at each player position.

The same can be said for the disclosure of the voice sensing system of column 2, where the pitch and volume and length of a sound are signaled. There is no intelligence function or code execution. This is nothing more than a direct transmittal of received sound by a signal reflecting the received signal.

It is to be noted that the present specification describes intelligence as:

"...the ability to execute code, either provided in the form of software or hardware circuits. Such processing may at least comprise some of signal converting (e.g., signals from player card readers, credit deposit, currency readers, coin readers, touch screen signals, control panel signals) into a signal that can be included in an information packet and interpreted by the main game computer when the signal is sent."

The sensors in Miyamoto do not perform any such conversion function and do not execute code in any manner. The issuance of the STAND or HIT commands described in these sections is made in the game processor or main processor after receipt of the sensed (unprocessed) information from the sensors. There is no disclosure of the presence of dedicated processor boards at the player positions. The sensors do no more than signal detection in terms of raw responses such as: Light is sensed; light is not sensed, sound is heard, sound is not heard; sound volume is {1-10}; length of sound is [1-10] seconds; etc. This is not performance of any intelligence function, but merely transmission of a signal in direct response to stimulus without modification. The term "to execute code" or its equivalence has been added to all independent claims. This single limitation is by itself sufficient to overcome the rejection under 35 USC 102(b).

There is no basis from the references of record in the rejection under 35 USC 102(a) for asserting this difference to be obvious from the teachings of those references. There are significant benefits of this construction that are not taught by the references or the art of record. These benefits include at least the ability to modularize the wagering device so that individual player units can be replaced for some significant device malfunctions without having to reprogram the entire system, without having to have the entire unit reapproved by gaming oversight functions, and to reduce the distal computing power needed in the game processor or main processor by distributing the dedicated processor boards and their intelligence functions. The local processor also enables the entire reporting function of the system with the main computer to operate more quickly. These are significant technical advantages enabled by the use of the local processor that executes code, a structure that is not taught by Miyamoto et al.

The rejection is in error on a fundamental limitation recited in every claim. There is no teaching of individual player position processors at a multi-player video format system with a common screen such as that recited in the claims. The rejection is therefore clearly in error and must be withdrawn.

The attorney of record and at least one Applicant have reviewed the Miyamoto specification to determine if there is other disclosure that might lend itself as material to the issues of patentability

being evaluated in this rejection and response. Text not cited by the Examiner in the rejection that appears to be at least superficially relevant to the issues includes:

"The game device which pertains to the present invention comprises optical input means for sensing player actions and converting these to electrical signals; first processor for computing player action on the basis of said electrical signals from said optical input means; control means for direct control by the players; and second processor for developing the game corresponding to computation result from said first processor and/or control commands from said control means." (Column 2, lines 41-47)

"Referring to the drawings, the interactive game device 1 broadly comprises an upward projecting section 2 on whose screen a character simulating the dealer is displayed, a plurality of satellites 3 located on the player side, and a forward extending section 4 extending forward from the upward projecting section 2 towards the satellites 3. The housing 5 on which the satellites 3 are arranged houses a motherboard 6, power circuitry, and other circuitry. The motherboard 6 is capable of executing the game and other information processing operations."

"Each satellite 3 is provided with its own CRT satellite display 10, each satellite display 10 displaying the cards of a particular player. Each of the satellite displays 10 is are electrically connected to the motherboard 6. While the satellite displays 10 described above comprise CRT, other types of displays are possible. Specifically, displays having other display formats, such as plasma displays or liquid crystal displays, may be used provided that the device is capable of displaying electrical signals as images."

"Each of the satellites 3 is further provided with a microphone 13, the microphones 13 being electrically connected to the motherboard 6. The microphones 13 convert into sound signals sounds uttered by the players sitting at the satellites, and these signals are presented to the motherboard 6. The microphones 13 convert sounds issued by players sitting at the satellites 3 into sound signals which are presented to the motherboard 6."

"Let it be assumed, for example, that the satellite display 10 of a certain player shows an "A" card and a "10" card, as depicted in FIG. 6(A), and the player makes a sound. The sound is converted into a sound signal by the microphone 13 and is input to the sound recognition circuit 15. In the sound recognition circuit 15 it is recognized which of prescribed reference level bands the level of the sound signal corresponds to, and a sound recognition signal of sound signal level "1" indicating a sound recognition outcome below the first threshold value SHa is

input to the sub-CPU 204. The main CPU then moves on to the next process (S102; YES).

"Specifically, in the event that the sound recognition signal is level "1" (S103; "1"), the main CPU 201 displays a level "1" on the indicator 550 located on the satellite display 10, and expression data "1" for a dealer expression like that depicted in FIG. 6(D) is selected for display on the display 7 (step 104). Specifically, the process involves the main CPU 201 giving an image creation instruction to the picture block 21 based on the sound recognition signal (level "1"), whereupon image data for display as a screen 600 of a female dealer having the expression shown in FIG. 7(0), for example, is modified to image data for displaying a screen 600a of the dealer with the expression shown in FIG. 7(1)." **[In conjunction with these last two paragraphs, please note elements 13 and 15 in the bottom left hand corner of FIG. 4] (Column 7, line 45 through column 8, line 2)"**

Preliminary analysis of the disclosure of Miyamoto et al., which should be further reviewed and considered by the Examiner, is that the location of element 15, the "recognition circuit" is again only a button type function, with the sensor or recognition function providing a raw signal in response to direct stimulus, and does not provide an intelligence function that executes code in all the claims. All of these elements are "button functions" supported by the single communal motherboard 6 which executes code. There is absolutely no indication or implication of code executing intelligence in the form of dedicated processor boards executing in the recognition circuit.

The rejections of record are in error and must be withdrawn.

CONCLUSION

All rejections are in error. All claims should be allowed.

If the Examiner believes that issues remain that might warrant personal discussion with the attorney of record to clarify or resolve issues, the Examiner is courteously invited to call the attorney of record at 952.832.9090 during regular business hours in the Central Time Zone of 7:00 a.m. – 5:30 p.m.

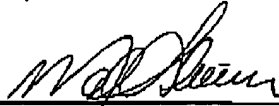
Respectfully submitted,

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I hereby certify that this correspondence is being sent by facsimile transmission to the US Patent and Trademark Office addressed to MAIL STOP: AF, P.O. BOX 1450; Commissioner for Patents, Alexandria, VA 22313-1450 on 13 FEBRUARY 2007.

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